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10 Attorneys for Plaintiffs
11 PETER HOLLAND and KRISTEN HOLLAND

12 IN THE UNITED STATES DISTRICT COURT
13 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

14 PETER HOLLAND and KRISTEN
15 HOLLAND,

16 Plaintiffs,

17 v.

18 THE RELATED COMPANIES, INC.;
19 THIRD AND MISSION ASSOCIATES,
20 LLC; DOES 1 through 10, Inclusive,

21 Defendants.

CASE NO. 3:15-cv-03220-JSC
Civil Rights

**DECLARATION OF KRISTEN
HOLLAND IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

22 I, Kristen Holland, declare:

- 23 1. I am the wife of Peter Holland. I am 43 years old. I am employed as Deputy
24 Spokesperson and Digital Communications Manager at the San Francisco Municipal
25 Transportation Agency. I have known Peter for 23 years, and we have been married for
26 17 years. We have a daughter, Georgia, age two years, nine months.
- 27 2. I met Peter in the spring of 1992, approximately six months after he left the Army. We
28 began dating that summer and have been together ever since. I first knew him to have

1 mental health issues in 1997. Between 2001 and 2005, Peter spiraled into a severe,
2 undiagnosed depression. This was a wilderness of suffering that nearly cost us our
3 marriage and probably his life. Peter struggled to find appropriate mental health care
4 through Kaiser and, eventually, the Veterans Administration. In 2006, he received the
5 initial diagnosis of PTSD and disability rating from the VA. This gave him the ability to
6 seek the rigorous therapy he needed.

- 7 3. Usually, when Peter is triggered, he is able, because of the intense VA therapy, to
8 identify the symptoms and adjust his schedule and alert me. He will then isolate himself,
9 either through sleep, reading or playing a game. After being triggered, Peter reports
10 feeling ill and being in pain all over. I have observed that the tensing of his muscles and
11 dump of adrenaline and other stress-related hormones into his system truly make him ill.
- 12 4. We live at The Paramount, 680 Mission St., Apt. 7C, San Francisco, CA. We have lived
13 there since 2008.
- 14 5. We have lived here longer than any other address we have shared. We chose to live at
15 the Paramount because of its proximity to my work and the friendly and helpful staff. It
16 has become our home. I know that Peter has, until recently, felt very secure and safe in
17 this environment. This along with the flexibility of it being close to my office has helped
18 alleviate his PTSD symptoms. My short commute means that I can come and go from
19 my office easily if I need to take care of Georgia when Peter is not well.
- 20 6. At the end of January 2015, we learned that the building was going to undergo extensive
21 construction on floors 5 and 6 (the building calls them A1 and A2). We live on floor 7,
22 just above this location.
- 23 7. In February, I spoke with Connie Cortese in the leasing office to inquire about available
24 apartments to see what our options might be. I called the resident property manager,
25 Jesse Leite, to inquire about other mitigation plans the building might have in place. Mr.
26 Leite and I spoke in early March.
- 27 8. Once Peter and I learned how extensive the construction would be, we were both
28

1 concerned that the noise would trigger his PTSD. As Peter's PTSD is combat-related,
2 loud sharp noises associated with combat can be a trigger. While there is a great deal of
3 construction ongoing in the surrounding neighborhood, it is far enough away that it can
4 be blocked out. The same kinds of noises directly below our floor would certainly be a
5 potential source of distress and illness for him.

6 9. The construction noise began on or about March 3, 2015. On March 11, I spoke to Mr.
7 Leite by phone to find out more about the construction, the anticipated schedule, and
8 possible mitigation measures. He provided the technical project management schedule
9 via email and by hard copy at the Paramount's front desk. In our phone conversation, I
10 explained that already the construction was having a detrimental effect on Peter's health.
11 Although Peter had previously made Mr. Leite aware of his PTSD, upon receiving this
12 reminder Mr. Leite expressed concern and offered to have the hallway outside our
13 apartment cleaned more frequently.

14 10. In early April, Peter made a specific written request for accommodation through the
15 leasing manager, Tanya Noeggerath.

16 11. The construction noise has varied depending on the work being done. Allowing for the
17 fact that I am at work most of the time the construction is being done, these are the most
18 egregious noises, the ones that trigger Peter the most: The most common is a loud
19 grinding or cutting noise that comes right up through our floorboards. It makes you grit
20 your teeth and can give me a headache. There is also a jackhammering sound—perhaps
21 the worst noise. It is assaultive. It hurt my ears for the short period of time that I was in
22 the apartment with it. There is also the sound of the nail gun; I was not home to hear it. I
23 have been in firing ranges, though, and heard the recording of the sound that Peter made.
24 It sounded like a shooting range in our house. It was quite disturbing.

25 12. Part of the problem is that even when the noise stops, we don't know when it will start
26 again. Even the silence is bad because we are all on edge waiting for something to start
27 again.

13. As I stated above, Peter has become quite adept at recognizing his physical symptoms when he is triggered. The constant, yet erratic nature of the construction and related noise has meant that Peter is triggered nearly all the time. He tries to recover and he has spent several weekends in bed during the construction in order to recuperate enough to take care of our daughter during the week. I have not been so afraid for Peter's health and well being since his PTSD diagnosis almost 10 years ago.
14. When Peter is triggered, a number of things happen. I know from his medical providers that his body produces extra hormones and chemicals as part of the fight/flight response. This is detrimental to his overall health. He is also less likely to take care of himself. He is less concerned about his diet and general well being.
15. When Peter is triggered, he can be difficult and angry for no immediately apparent reason. Since the construction work began, we have had more arguments and strife in our home due to his triggered state. He requires more time to recuperate from being triggered and is often in physical pain because of it. Today, he reported to me that while I was out with our daughter he was sobbing so hard he pulled a muscle in his upper back.
16. Peter is the primary caregiver for Georgia. When he is triggered he often cannot care for her. Until the construction work began he had gone a long period without being disabled from caring for her. Since the construction work began, their routine has been disrupted and on more than a half dozen occasions I have had to take off work to care for her.
17. The stress at home in addition to my ongoing work stress and desire to provide the best for my child has been overwhelming. I have also had to put aside other planning efforts for our lives because those conversations are too much for Peter when he is triggered. On several occasions I have had to take days off at the last minute, shorten my workday to care for Georgia, or take her back to the office with me. It is not always feasible for me to do this, on those occasions Peter and I are both left with the pain and stress of providing less than ideal care for her.
18. Our daughter, Georgia, is a healthy, generally easygoing toddler. Still, she is a toddler.

1 The construction noise has caused her to cry, be in terror and run to Peter or me, saying
2 the noise is too loud, to shush Peter if his tone is sharp, or to comfort him if he shows
3 sadness.

4 19. Georgia has been under the care of a speech therapist for the past 10-11 months. She has
5 made great strides; however, we were planning to expand her exposure to events and
6 people with more regular outings this spring. Peter's inability to feel safe outside of his
7 home or without me has meant that those efforts have been curtailed or suspended
8 completely. I cannot push and ask Peter to plan for these outings when all of his energy
9 is taken up by just being calm and loving to her, which he is. There have been several
10 days when all Peter could do was to put in earplugs and lie down, with Georgia watching
11 a video.

12 20. Moving to an apartment that is far enough away from the construction noise, but still at
13 this same building, represents the least disruptive solution. My family and I would be
14 able to heal and recover finally if we could be away from the constant noise or threat of
15 noise.

16 21. Additionally, the difficulty of finding a new home that would satisfy Peter's need for a
17 certain level of security and safety is substantial. Our current apartment is in a building
18 with 494 others. Peter has expressed that the anonymity of such a large building, along
19 with the 24-hour security at the front desk, staff moving throughout the building with
20 radios, strictly controlled entrances, video surveillance, heavy steel fire doors, and limited
21 points of entry, means that he can relax to a certain degree when he is home. He does not
22 have to be continually on guard. Finding another home that he feels safe in would be
23 difficult.

24 22. Furthermore, we cannot afford to move out of the building. Not only would we have to
25 incur the moving expenses and large initial rental fees, we would also likely need to
26 purchase a car. The garage attached to the Paramount has a substantial ZipCar
27 contingent. We have been members of that service for many years.

1 23. When we chose to live in a studio, we knew that we would need to make some sacrifices.

2 We have done this because we wanted to live more frugally, and because we wanted to
3 live in San Francisco. We have shrunk our way of life to accommodate our current
4 space, but we are not able to shrink further. The addition of a child has meant an even
5 greater strain on space; a smaller apartment would make a bad situation worse.

6 24. The astronomical rents in San Francisco make international headlines. We are one of
7 many families struggling with a modest income that limits our options for a new rental
8 and that is still too high for subsidized housing. I have a good salary, but it cannot
9 accommodate the market rate for our current apartment, much less the full market rate for
10 an apartment on a higher floor. Peter is compensated fairly from the VA, based on his
11 100 percent permanent and total rating, but that is a fixed income and in no way
12 comparable to a full salary.

13 I declare the above statement to be true and correct to the best of my ability and
14 so declare under penalty of perjury, and under the law of the State of California, on July 14,
15 2015, in the City of San Francisco, California.

16
17 
18 KRISTEN HOLLAND